

Appl. No. 10/651,841
Amdt. dated January 27, 2006
Reply to Office Action of September 13, 2005

REMARKS

Reconsideration of this application is respectfully requested in light of the above amendments and the following remarks. After the amendments detailed above, claims 1-27 are pending in this application. In particular, claims 1, 17 and 23 have been amended, and claims 2-16, 18-22 and 24-26 have been maintained in their previous form. New claim 27 has been added. Applicants assert that the amended claims and the new claim are fully supported by the disclosure of the application as filed, and as such, do not introduce new matter. The status of all the pending claims is reflected in the above listing.

I. Claims Rejected Under 35 U.S.C. § 102

Claims 1-26

Claims 1-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2002/0183882 to Dearing. These rejections are moot as claims 1, 17 and 23 have been amended.

"Anticipation requires the disclosure in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). As set forth below, Dearing fails to expressly or inherently disclose at least one element recited in each of the amended independent claims, namely, Dearing fails to disclose a personality module having an associated processing power and memory.

Accordingly, the present claims are patentably distinct as written, and the rejection of these claims under Section 102 must be withdrawn. Specifically, claim 1 has been amended to recite "... a personality module having associated processing power and memory, the personality module comprising one or more ports for communicating with the server, with the client, and with one or more field devices." Likewise, claim 17 has been amended to recite "... each type having an associated processing power and memory and a distinct set of characteristics defining personality module functionality." Additionally, claim 23 has been amended to recite "... each type having an associated processing power and memory and a distinct set of characteristics defining personality module

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functionality ..." As supported in the specification and stated by the Examiner in the Final Office Action (page 2), a "personality module" refers to "a unit with one or more ports for communicating with one or more field devices and with included and/or associated processing power and memory" (pages 17-18, paragraph [0052]). Therefore, Applicants assert that the amended claims are fully supported by the disclosure of the application as filed, and as such, do not introduce new matter.

In contrast, Dearing does not expressly or inherently disclose a personality module having associated processing power and memory. The personality module of Dearing is a specialized badge or card reader 47 (page 3, paragraph [0047]) that is a generic "key reader" in the form of a magnetic card swipe device. The card reader 47 does not include an associated processing power and memory. Therefore, Dearing fails to expressly or inherently disclose at least one element of amended independent claims 1, 17 and 23. Accordingly, Dearing does not anticipate these claims and the Section 102 rejection should be withdrawn.

Further, since Dearing does not expressly or inherently disclose each element of amended independent claims 1, 17 and 23, and since claims 2-16, 18-22 and 24-26 depend from and further limit claims 1, 17 and 23, the rejection to these claims should also be withdrawn. Accordingly, Applicants respectfully request that the Examiner withdraw the Section 102 rejection.

II. New Claim

Claim 27

Applicants have added new independent claim 27, which is based on a similar base claim as amended independent claim 1, but contains a "personality module" claim limitation that recites "... a personality module having an operating system, the personality module in communication with the server, with the client, and with a field device." Applicants believe that this claim is patentably distinguishable from known prior art, namely, Applicants believe that this claim is not anticipated by Dearing by the same arguments above. See discussion supra. Accordingly, claim 27 is also in condition for allowance.

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III. Conclusion

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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Date: January 27, 2006

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of fees which may be required by this paper to Deposit Account No. 502466 including any fee for extension of time, or the fee for additional claims which may be required. Please show our docket number with any Deposit Account transaction. A copy of this letter is enclosed.

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